

J. David Milliner - 5762
J.D. MILLINER, PLLC
2150 South 1300 East, Suite 500
Salt Lake City, Utah 84106
Telephone: 801-990-2990
Email: jdmilliner@att.net

Counsel for Plaintiff

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

In re:

Andrew Lewis Van Noy,
Debtor.

COMPLAINT

Alan K. Gibson, individually and as
general partner of ABAKKIM, LP,
Plaintiff,

Bankruptcy No. 10-30970
(Chapter 7)

v.

Adversary No. _____

Andrew Lewis Van Noy,
Defendant.

Hon. R. Kimball Mosier

Plaintiff Alan K. Gibson, through counsel, as and for his complaint for non-dischargeability of debt in the above-captioned case states as follows:

1. On or about the 14th day of August, 2008, the above-named Defendant, Andrew Lewis Van Noy, by means of personal representations did cause Plaintiff, as general partner of ABAKKIM, LP, to pay \$100,000.00 to Strategic Asset Holdings, LLC, which is wholly

owned by Defendant.

2. The \$100,000.00 was to be used to purchase an equitable interest in a parcel of real property located in Park City, Utah.
3. On information and belief, Plaintiff's \$100,000.00 was, in fact, never used to purchase the equitable interest in the parcel of real property.
4. On information and belief, Defendant instead used Plaintiff's \$100,000.00 for his personal uses.
5. But for Defendant's representations about this investment, Plaintiff would not have paid the \$100,000.00 to Strategic Asset Holdings, LLC.
6. On information and belief, Defendant's representations about the use to which Plaintiff's \$100,000.00 would be put were fraudulent in that Defendant did not actually intend to put the money to this use, and did not, in fact, so use this money.

Wherefore, Plaintiff prays the Court for a nondischargeable judgment against Defendant in the amount of \$100,000.00, plus reasonable attorney fees and costs, and for such other and further relief as the Court deems just and proper under the circumstances.

DATED this 15th day of November, 2010.

J.D. MILLINER, PLLC

/s/ J. David Milliner
J. David Milliner,
Counsel for Plaintiff Alan K. Gibson